

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1702 OF 2017

Dr. Kailas Umaji Sanamadikar. ... Applicant.
Versus
The State of Maharashtra. ... Respondents.

Mr. Niteen Pradhan i/b. Ms. Shubhada Khot, advocate for Applicant.

Mr. S.R. Agarkar, APP for State.

Ms. Swati H. Suryawanshi, API, Sangola Police Station,
Solapur(Rural).

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 17, 2018**

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP.

2 This is an application under section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
C.R. No. 253 of 2017 registered with Sangola Police Station, Solapur

for offence punishable under section 306 of the Indian Penal Code. The applicant was granted interim relief vide order dated 28/9/2017.

3 Upon perusal of the papers of investigation, it appears that the applicant who is Orthopaedic Surgeon by profession was the administrator of Sidharth Sikshan Prasarak Mandal. One Sagar Khot was working as watchman in the said school. That Sagar Khot had committed suicide on 3/4/2017. On 8/4/2017 wife of Sagar Khot had lodged a report at the police station alleging therein that her husband was harassed by the present applicant and was also cheated by the present applicant. He was removed from service and therefore, he has committed suicide.

4 It appears from the papers of investigation that Sagar Khot was appointed as watchman on probation vide order dated 15/8/2010. That he was in a habit of proceeding on leave without filing application for leave. There were 5 notices sent to Sagar and finally

by passing resolution he was removed from service for not attending his duty. He was removed from service with effect from 20/12/2012.

5 In the course of investigation, the police has seized suicide notes of the deceased, wherein he has specifically alleged that there was mis-management of the school administration at the hands of the present applicant. It is also stated that in order to protect his own cousin, the applicant had removed Sagar Khot from service.

6 Be that as it may, upon perusal of the papers of investigation, it cannot be said that the applicant had abetted, facilitated or incited commission of suicide by Sagar Khot. Hence, the applicant deserves pre-arrest bail and the order dated 28/9/2017 deserves to be confirmed on the same terms and conditions.

7 However, it is made clear that the observations are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not be taken

into consideration while deciding the application for quashing of FIR or discharge application or at the time of trial.

6 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)